

## Message Text

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ORIGIN IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10  
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NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 ICAE-00  
INRE-00 JUSE-00 /109 R

DRAFTED BY L:SMSCHWEBEL;IO:GDALLEY:SIS  
APPROVED BY IO:GDALLEY  
IO/HR:MR. HEWITT  
L/UNA:MR. KRECZKO  
USUN:AMBASSADOR MEZVINSKY  
-----007464 080150Z /21  
O 080044Z SEP 78  
FM SECSTATE WASHDC  
TO USMISSION GENEVA  
INFO USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652: N/A

TAGS: SHUM, US

SUBJECT: PRESS GUIDANCE ON MEMPHIS HUMAN RIGHTS COMPLAINT

1. DEPARTMENT HAS PREPARED FOLLOWING DRAFT PRESS GUIDANCE ON MEMPHIS COMPLAINT. APPRECIATE IMMEDIATE VIEWS OF AMBASSADOR ON WHICH OF OPTIONS PRESENTED (A) CONFORM TO WHATEVER ARE THE GOVERNING UN RULES AND PRECEDENTS AND (B) WILL PROMOTE OR PREJUDICE OUR CASE BEFORE THE SUB-COMMISSION. SUGGEST THAT VAN BOVEN BE ASKED HIS VIEWS ON APPLICABILITY OF CONFIDENTIALITY RULES TO RELEASE OF COMPLAINT AND RESPONSE AND TO RELEASE OF SUMMARIES THEREOF, AND ON THE EFFECT OF RELEASE ON THE SUBCOMMISSION'S DISPOSITION OF THE MATTER.

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2. Q. AT PRESS CONFERENCE IN MEMPHIS YESTERDAY, ANNOUNCING RELEASE OF REPORT BY THE TENNESSEE STATE ADVISORY COMMITTEE ON POLICE BRUTALITY IN MEMPHIS, IT WAS STATED THAT MEMPHIS CIVIL RIGHTS GROUPS HAVE FILED A COMPLAINT WITH THE UNITED NATIONS ALLEGING GROSS VIOLATIONS OF HUMAN RIGHTS IN MEMPHIS. HAS SUCH A COMPLAINT BEEN FILED?

A. THE STATE DEPARTMENT HAS RECEIVED A COPY OF A COMPLAINT FILED BY MEMPHIS CIVIL RIGHTS GROUPS FROM THE HUMAN RIGHTS COMMISSION OF THE UNITED NATIONS. THIS COMPLAINT WAS TRANSMITTED BY THE COMMISSION TO THE U.S. MISSION IN GENEVA.

Q. HAS THE UNITED STATES RESPONDED TO THE COMPLAINT?

A. YES, THE U.S. RECENTLY SUBMITTED A RESPONSE TO THE COMPLAINT TO THE HUMAN RIGHTS COMMISSION.

Q. WHAT IS THE NEXT STEP IN THE PROCESS? WILL THE COMPLAINT BE CONSIDERED BY THE HUMAN RIGHTS COMMISSION?

A. A SUBCOMMISSION OF THE HUMAN RIGHTS COMMISSION IS CURRENTLY MEETING IN GENEVA. ONE OF ITS FUNCTIONS IS TO REVIEW THE MORE THAN 20,000 COMPLAINTS THAT ARE FILED ANNUALLY WITH THE UNITED NATIONS ALLEGING HUMAN RIGHTS VIOLATIONS IN VARIOUS COUNTRIES OF THE WORLD. THE SUBCOMMISSION REVIEWS THESE COMPLAINTS IN CLOSED SESSION AND MAKES A CONFIDENTIAL REPORT TO THE HUMAN RIGHTS COMMISSION.

Q. WHEN WAS THE COMPLAINT RECEIVED? WHEN DID THE UNITED STATES FILE AN ANSWER?  
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A. THE COMPLAINT WAS FORWARDED TO THE UNITED STATES ON JULY 7, 1978; THE U.S. RESPONSE WAS TRANSMITTED ON SEPTEMBER 5.

Q. CAN WE HAVE COPIES OF THE COMPLAINT AND THE U.S. RESPONSE?

A. OPTION 1: WE SHALL PROVIDE OUR RESPONSE PROMPTLY. THE COMPLAINANTS WILL HAVE TO RELEASE THE COMPLAINT.

A. OPTION 2: PROCEEDINGS OF THE COMMISSION AND THE SUBCOMMISSION ARE CONFIDENTIAL. WE ACCORDINGLY FEEL IT NECESSARY TO CONSULT WITH THE APPROPRIATE U.N. OFFICIALS BEFORE RELEASING THE TEXTS.

Q. WHAT IS THE SUBSTANCE OF THE COMPLAINT?

A. OPTION 1: IT IS ALLEGED THAT POLICE BRUTALITY IN MEMPHIS AGAINST BLACKS REPRESENTS A "GROSS AND CONSISTENT PATTERN OF VIOLATION OF HUMAN RIGHTS" IN THE UNITED STATES.

A. OPTION 2: PROCEEDINGS OF THE COMMISSION AND THE SUB-COMMISSION ARE CONFIDENTIAL. WE ACCORDINGLY FEEL IT NECESSARY TO CONSULT WITH THE APPROPRIATE U.N. OFFICIALS BEFORE COMMENTING.

Q. WHAT IS THE SUBSTANCE OF THE U.S. RESPONSE?

A. OPTION 1: THE UNITED STATES DENIES THAT THE ALLEGATIONS, IF TRUE, REPRESENT A "GROSS AND CONSISTENT PATTERN OF VIOLATION OF HUMAN RIGHTS" IN THE UNITED STATES AND MAINTAINS THAT, IN ANY EVENT, IN ACCORDANCE WITH THE GOVERNING U.N. PROCEDURES, LOCAL REMEDIES FOR ANY VIOLATIONS OF HUMAN RIGHTS MUST BE EXHAUSTED IN THE UNITED STATES BEFORE AN APPEAL TO THE UNITED NATIONS MAY BE LIMITED OFFICIAL USE

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ACCEPTED -- AND THAT THIS HAS NOT BEEN DONE.

A. OPTION 2: PROCEEDINGS OF THE COMMISSION AND THE SUBCOMMISSION ARE CONFIDENTIAL. WE ACCORDINGLY FEEL IT NECESSARY TO CONSULT WITH THE APPROPRIATE U.N. OFFICIALS BEFORE COMMENTING.

3. WE CURRENTLY INCLINE IN FAVOR OF OPTION (1), SINCE WE BELIEVE THAT, ONCE THE SUBSTANCE OF THE COMPLAINT HAS SURFACED, IT IS FITTING THAT WE PROVIDE OUR RESPONSE; BECAUSE WE PREFER A POSTURE OF FULL DISCLOSURE WHICH COUNTERS ANY IMPRESSION THAT WE HAVE SOMETHING TO HIDE; AND BECAUSE WE WISH TO AVOID A PRECEDENT WHICH SUGGESTS THAT ANY PUBLIC DISCUSSION OF A COMPLAINT REFERRED TO THE U.N. IS INAPPROPRIATE. WE FIND NO U.N. RULES THAT PROHIBIT SUCH DISCLOSURE. WE DO NOT INTERPRET CONFIDENTIALITY AS SUCH PROHIBITING DISCLOSURE OF A COMPLAINT AND RESPONSE, AT ANY RATE OF A RESPONSE WHERE THE SUBSTANCE OF A COMPLAINT HAS SURFACED. IF IT WERE OTHERWISE, THE COMPLAINANT COULD HAVE A PUBLIC FIELD DAY WHILE DEFENDANT IS RESTRICTED TO DEFENDING ITSELF WITHIN U.N. CONFINES.

4. AT SAME TIME, WE ARE GIVEN PAUSE BY THE TWO CONSIDERATIONS ON WHICH WE SEEK YOUR AND VAN BOVEN'S ADVICE (IF HE FEELS ABLE TO GIVE ANY), NAMELY, THE ARGUABLE PERTINENCE OF CONFIDENTIALITY PROCEDURES AND IMPACT ON THE SUBCOMMISSION. RE LATTER, IS THERE RISK THAT MEMBERS OF THE SUBCOMMISSION MAY FEEL THAT RELEASE OR COMMENT IS A U.S. ATTEMPT TO PRESSURE THEM? OR THAT, SINCE THE CASE HAS SURFACED ANYWAY, WITH SUCH DAMAGE AS IT WILL DO IN THE U.S. HAVING IN SOME MEASURE ALREADY BEEN DONE, THEY MAY AS WELL TAKE UP THE COMPLAINT?

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5. WE WOULD APPRECIATE ANY VIEWS WHICH AMBASSADOR CARTER  
FEELS IT APPROPRIATE TO EXPRESS ON FOREGOING. CHRISTOPHER

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## Message Attributes

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**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** HUMAN RIGHTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 sep 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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**Executive Order:** N/A  
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**TAGS:** SHUM, US, UN  
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